

REMARKS

In the April 13, 2006 Advisory Action, the Examiner refused to enter claim amendments previously proposed in the March 30, 2006 Response to the Final Office Action, asserting that the proposed amendments will require a new search after final.

In response, Applicants submit the enclosed Request for Continued Examination (RCE) in order to effectuate entry of the previously proposed claim amendments in the March 30, 2006 Response.

Further, the Examiner indicated in the April 13, 2006 Advisory Action that the recitation of "a third layer of undoped SiGe or Si" by the amended claim 89 may be new matter, asserting that the specification as originally filed only describes two different layers of SiGe or Si, instead of a single layer of SiGe or Si as recited by claim 89.

Applicants respectfully disagree, for the following reasons:

First, the specification as originally filed describes at the second paragraph on page 28 a specific embodiment that includes a single layer of undoped SiGe over a Ge channel.

Second, the originally filed claim 97 describes substitution of the undoped SiGe layer by a Si layer. MPEP §608.04 specifically provides that in establishing a disclosure of an application, the applicants may rely not only on the specification and drawing as filed but also on the original claims. In other words, the original claim itself constitutes a clear disclosure of the subject matter claimed therein, and new matter includes only matter that is not described in the original specification, claims, and drawings (see MPEP §608.04(a)).

Therefore, the recitation of a third layer of undoped SiGe or Si by the amended claim 89 is supported by the specification as originally filed and by claim 97 as originally filed, and no new matter is introduced by the amended claim 89.

Applicants correspondingly request the Examiner to reconsider the rejections of pending 9-98 and 124, in light of the claim amendments and arguments presented in the March 30, 2006 Response as well as the remarks made in this Response.

Respectfully submitted,



Leslie S. Szivos, Ph.D.
Registration No. 39,394

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
LSS/MY:vh